

Application Number 10/563564  
Response to the Office Action dated January 13, 2009

### REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claim 1 has been amended as supported by the specification at para. [0035] at page 12 and example 1 at para. [0038] and table 11 at para. [0039] at page 13.

Claim 10 has been added as supported by Figs. 1A-B and 2A-B and the specification at page 1, lines 18-26. Claim 12 has been added as supported by Figs. 1A-B and 2A-B. Claims 11 and 13 have been added as supported by Figs. 1A-B and 2A-B and the specification at page 7, lines 5-8.

Claims 1-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (U.S. Patent No. 6,514,769). Applicants respectfully traverse this rejection.

Lee discloses an assay device to analyze a fluid analyte sample (see abstract). The device includes analyte test strips, sample loading zone, which may be an absorbent pad or bibulous membrane, a test zone, and integrity monitoring system (abstract, Figs. 1 and 3, and coln. 7, lines 22-38). In the assay device of Lee, the sample loading zone is provided to receive a liquid sample, the liquid sample is transferred from the sample loading zone to the test zone, where an assay is performed (see coln. 7, lines 22-38), and a detectable signal of the assay is detected by the integrity monitoring system (see coln. 8, lines 14-21). Lee does not disclose a sample analysis tool in which a balance pad is positioned to adjust weight balance or friction balance of the sample analysis tool so as to avoid clogging when the sample analysis tool is supplied by a test piece feeder to an examination location.

Accordingly, claim 1 is distinguished from Lee, and this rejection should be withdrawn.

Claim 10 requires no liquid movement between the balance pad and the reagent pad. Lee discloses that the system has a pad including determinants that indicates a condition of the fluid analyte sample, i.e., an integrity determinant pad, and the sample

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fluid, which is provided at the sample loading zone, moves to the pad via a carrier membrane (see Figs. 1-3 and coln. 1, lines 57-63). Accordingly, claim 10 is distinguished from Lee.

Claim 12 requires that the substrate on which the reagent pad and balance pad are provided be a single layer. Lee discloses that the test zone (112) is formed on an analyte strip (105A), which is formed on a carrier membrane (303), and that the integrity determinant pad (300) is formed on the carrier membrane (303) (see Fig. 1). Thus, the test zone and the integrity determinant pad are not formed on the same substrate. Even if the substrate were considered as a combination of the analyte strip and the carrier membrane, the substrate would have a double-layer structure. Thus, claim 12 is distinguished from Lee.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.



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DPM/my/ad

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